

DETAILED ACTION

Response to Amendment

As per the Office Action mailed 09/02/2010:

The rejection of claims 11-17, 21-22, 24-25 under 35 USC 101 is hereby withdrawn in view of Applicant's amendment to claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim(s) 11-12, 17-19, 21, 26 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhout (6965614) in view of Faccin (20030014668) and Vijay (20030126257).

As per claim 11, Osterhout teaches a system comprising a proxy server capable of relaying messages between two clients (reads on "relay server") (column 4 line 63) using an SIP protocol (column 4 line 63), wherein the proxy interacts with an SIP client system (reads on "a client terminal") (column 4 line 56) and an SIP server (reads on "application server") (column 4 line 58) in a system capable of providing data transmission based on a service call (reads on "service delivery system") (column 4 line 60), wherein the SIP server is capable of providing data services including a security camera (reads on "a service other than Internet telephony") (column 7 line 7), the system comprising:

- (a) an SIP gateway located on the network (reads on "receiver") (Figure 3);
- (b) a computer attached to the SIP gateway (reads on "controller") (Figure 1 label 32);
- (c) a memory controller (Figure 3 label 208);
- (d) a network communication device capable of sending and receive data over the network (reads on "transmitter") (Figure 1);
- (e) wherein the SIP gateway receives an SIP session request from the SIP system for a data service such as a security camera including an Invite request identifying the target USB device (e.g. security camera) (column 10 line 31).

Osterhout does not teach authenticating if the SIP system is authorized to access the requested service.

Faccin teaches including authentication data when sending an SIP message so that the server may determine if the requester is permitted to access the requested

resource (page 3 paragraph 52) (It is noted that the data used by the server to process this data is considered to be “registration information” of the requester).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Faccin within the embodiment of Osterhout with the motivation of authenticating the identity of the requester (Faccin; page 1 paragraph 2-4).

Osterhout further teaches:

(g) the SIP gateway uses its stored data to process the request by determining where to send the Invite request (column 10 line 39);

(h) the SIP gateway communicates with the requested USB device to determine if the USB device can accommodate the request (column 10 line 45-46);

(i) the SIP gateway sending data to the SIP system to allow the SIP system to connect to the USB device based on the Invite message, including a Trying response (reads on “SIP INVITE response”) (column 39);

(j) the SIP gateway processing an Ack request to indicate that the SIP system can communicate with the USB device (column 10 line 51).

While Osterhout teaches using the same SIP session to transmit data, Osterhout does not explicitly teach “an application session that is different from the SIP session”.

Vijay teaches redirecting the requester to interact with the resource with a different SIP session (reads on “an application session that is different from the SIP session”) (page 2 paragraph 0024).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Vijay within the embodiment of Osterhout and Faccin with the motivation of providing access for addresses not recognized by the SIP server (Vijay; page 2 paragraph 0024).

As per claim 12, Osterhout teaches sending an SIP Info message to determine application-level information (reads on "rules according to data included in the service request information") (column 6 line 19).

As per claim 17, Osterhout teaches sending an inquiry to the USB resource to determine if the device is available to service the request (column 9 line 9).

Responsive to the device's availability status as sent by the device, Osterhout further teaches sending the response to the SIP system (column 9 line 21-23).

As per claims 18-19, these claims are rejected for substantially the same rationale as applied to claim 1 above, and incorporated herein.

As per claim 21, as discussed above, the combined teachings of Osterhout and Faccin suggest that the authentication result would determine if the requester can access the resource.

Osterhout further teaches sending a response that the device is not available (reads on "the search fails") (column 9 line 21).

Examiner submits that if no response is received from the SIP gateway, the SIP system can glean that there is no resource available at the requested address.

As per claim 26, this limitation has been addressed above within the rejection of claim 1 with respect to Vijay, and incorporated herein.

As discussed above, Vijay suggests establishing a new session directly to the resource for communication.

Claim(s) 13-14, 24 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhout in view of Faccin and Vijay as applied to claim 11, and further in view of Crowcroft (Differentiated end-to-end Internet services using a weighted proportional fair sharing TCP, mailed 05/26/2010).

As per claims 13-14, Osterhout teaches that the SIP system sends a Bye request to terminate the connection (column 9 line 55).

Osterhout does not teach billing based on the connection time.

Crowcroft teaches billing a user based on the duration of a connection (page 63 paragraph 1). It is noted that duration calculation suggests that a start time and a finish time are used to determine duration. This suggests the disconnection signal.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Crowcroft within the embodiment of

Osterhout, Faccin, and Vijay with the motivation charging the user for Internet usage (Crowcroft; page 62 Section 5).

As per claim 24, Osterhout teaches that the USB resource may send a disconnect request to the SIP gate (column 9 line 63).

Regarding the limitation of billing based on the elapsed time, this limitation has been addressed above with respect to claims 13-14 above, and incorporated herein.

Claim(s) 15, 25 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhout in view of Faccin and Vijay as applied to claim 11, and further in view of Oran (20040073658).

As per claim 15, Osterhout teaches receiving an Invite message and finding if the resource is available, as discussed above and incorporated herein.

Osterhout does not teach an Update message and a new Re-Invite message.

Oran teaches that the requestor may send an SIP Update and Re-Invite message (page 2 paragraph 0024).

Examiner submits that it is well known to send these types of messages to request connection to a new resource.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Oran within the embodiment of Osterhout, Faccin, and Vijay with the motivation providing debugging functionality to

determine if other resources are available and/or reachable (Oran; page 1 paragraph 0002-0003).

As per claim 25, this claim is rejected for substantially the same rationale as applied to claim 15 above, and incorporated herein.

In particular, Oran suggests that a new SIP Update message is created and then sent to the SIP gateway. In this manner, the resource may be requered to determine if it can accommodate the updated request.

Claim(s) 16 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhout in view of Faccin and Vijay as applied to claim 11, and further in view of Vakil (20020167921).

As per claim 16, Osterhout teaches receiving an Invite message and finding if the resource is available, as discussed above and incorporated herein.

Osterhout does not teach a Refer message to find a new resource.

Vakil teaches sending a Refer message to invite new resources to join (page 4 paragraph 0028).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Vakil within the embodiment of Osterhout, Faccin, and Vijay with the motivation providing the device with a new address (Vakil; page 3 paragraph 0028).

The remaining limitations of the claim would fall under the normal operation of Osterhout with respect to searching the new resource address.

Claim(s) 22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterhout in view of Faccin and Vijay as applied to claim 11, and further in view of Gallant (20030174693).

As per claim 22, Osterhout does not teach searching multiple resources and sending a Cancel message when the resource is found.

Gallant teaches searching multiple destination by announcing the server's intention to find a particular resource (page 3 paragraph 0041), and sending a Cancel message after the resource is found (Page 4 paragraph 0052).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Gallant within the embodiment of Osterhout, Faccin, and Vijay with the motivation locating the destination address (Gallant; page 3 paragraph 0041).

Response to Arguments

Applicant's arguments filed 12/29/2010 have been fully considered but they are not persuasive.

Applicant's arguments on page 13-22 have been fully considered; however, these arguments are found to be moot in view of the newly applied art above.

It is noted that Applicant refers to US-PGPub 2006/0095501 A1 for support for the filed amendment.

Applicant is specifically requested to refer to the specification as originally filed because the noted PG-Pub is not part of the Official file, and cannot be examined.

See MPEP 1730(II)(B)(1)(d) for information on how to access the Official file. See also the last page of this Office Action for information on how to access the PAIR system.

On page 22 Applicant argues:

As a final matter, Applicants respectfully submit that the Official Action has impermissibly resorted to impermissible hindsight reasoning using Applicant's disclosure as a guide, in formulating the rejections. More specifically, with regard to the rejections of claims 11-19, 21-22, and 24-25, the Official Action has impermissibly pieced together three and four distinct references by selectively picking various pieces of each reference and combining these pieces in a highly selective manner.

Applicant submits that the particular combinations of reference sections asserted in the Official Action would not have been obvious to one of ordinary skill in the art at the time of the invention, given the limitless number of possible combinations that could have been formed by these many references. Instead, Applicant submits that the Official Action formulated the

particular combinations by following Applicant's own disclosure as a roadmap, instead of relying on the knowledge of one of ordinary skill in the art at the time of the invention.

Accordingly, Applicant respectfully submits that the asserted rejections are improper and should be withdrawn.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

It is noted that no part of Applicant's disclosure was used to support the grounds of rejection. Instead, the prior art was used as the basis for the rejections.

Conclusion

The new ground(s) of rejection presented in this Office action, if any, was/were necessitated by Applicant's amendment. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran (Ken) N. Nguyen whose telephone number is 571-270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./
Examiner, Art Unit 3626

/Robert Morgan/
Supervisory Patent Examiner, Art Unit 3626